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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH O'NEIL,

Defendant.

CASE NO. 2:21-CR-00115-KJM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: January 10, 2022
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 10, 2022.
2. By this stipulation, the defendant now moves to continue the status conference until April 11, 2022, and to exclude time between January 10, 2022, and April 11, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes multiple audio files, reports, photographs, and toll records.
 - b) Counsel for the defendant was appointed on December 1, 2021. He desires additional time to conduct independent factual investigation, meet with his client to discuss trial, sentencing, and resolution options, conduct legal research into trial and sentencing issues, and

otherwise prepare for trial.

c) Counsel for the defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 10, 2022 to April 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 4, 2022

PHILLIP A. TALBERT
Acting United States Attorney

/s/ CAMERON L. DESMOND
CAMERON L. DESMOND
Assistant United States Attorney

Dated: January 4, 2022

/s/ Michael Hansen
Michael Hansen
Counsel for Defendant
KENNETH O'NEIL

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED. The status conference is continued to April 11, 2022, time between January 10, 2022, and April 11, 2022 is excluded.

DATED: January 12, 2022.


CHIEF UNITED STATES DISTRICT JUDGE